

1 PHILLIP A. TALBERT
2 United States Attorney
3 CHRISTOPHER S. HALES
4 Assistant United States Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
7 Telephone: (916) 554-2700
8 Facsimile: (916) 554-2900
9

10
11 Attorneys for Plaintiff
12 United States of America
13
14

15 IN THE UNITED STATES DISTRICT COURT
16
17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 MATTHEW M. PIERCEY,

22 Defendant.

23 CASE NO. 2:20-CR-0211-TLN

24 STIPULATION REGARDING EXCLUDABLE
25 TIME PERIODS UNDER SPEEDY TRIAL ACT;
26 ORDER

27 DATE: January 5, 2023

28 TIME: 9:30 a.m.

COURT: Hon. Troy L. Nunley

16
17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on January 5, 2023.

21 2. By this stipulation, defendant now moves to continue the status conference until March 9,
22 2023, at 9:30 a.m., and to exclude time between January 5, 2023, and March 9, 2023, under Local Code
23 T4.

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) The government has produced over 260,000 pages of bates-stamped discovery,
26 including investigative reports, bank and financial records, phone records, emails, and related
27 documents in electronic form. The government has also made additional discovery available for
28 inspection and copying and has provided copies of eleven electronic devices to defense counsel

1 containing approximately 3 terabytes of data. In addition, the government executed a post-
2 indictment search warrant on a storage locker and has made the materials seized in that warrant
3 available to the defense for inspection and copying, including numerous electronic devices
4 totaling over 10 terabytes of data. The government has also provided defense counsel with an
5 index to assist with the defense's ongoing review of extensive bank records included in the
6 Bates-stamped discovery.

7 b) The parties are continuing negotiations regarding potential resolution of this case.
8 Counsel for defendant desires additional time to consult with his client, review the current
9 charges, conduct investigation and research related to the charges, to and continue to review the
10 over 260,000 pages of discovery and terabytes of data made available by the government, to
11 review and copy discovery for this matter, to discuss potential resolutions with his client, and to
12 otherwise prepare for trial. Among other things, defendant continues to review the extensive
13 discovery in this case with the assistance of a paralegal, and defense counsel is researching legal
14 and factual issues that bear upon both plea negotiations and defensive strategies for this case.
15 Defense counsel has also been preparing for a trial that was set for December 2022, but was
16 recently continued to an unspecified date in early 2023, such that defense counsel is still
17 continuing to prepare for that other trial.

18 c) Counsel for defendant believes that failure to grant the above-requested
19 continuance would deny him/her the reasonable time necessary for effective preparation, taking
20 into account the exercise of due diligence.

21 d) The government does not object to the continuance.

22 e) Based on the above-stated findings, the ends of justice served by continuing the
23 case as requested outweigh the interest of the public and the defendant in a trial within the
24 original date prescribed by the Speedy Trial Act.

25 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
26 et seq., within which trial must commence, the time period of January 5, 2023 to March 9, 2023,
27 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
28 because it results from a continuance granted by the Court at defendant's request on the basis of

1 the Court's finding that the ends of justice served by taking such action outweigh the best interest
2 of the public and the defendant in a speedy trial.

3 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
4 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
5 must commence.

6 IT IS SO STIPULATED.

7
8 Dated: December 19, 2022

PHILLIP A. TALBERT
United States Attorney

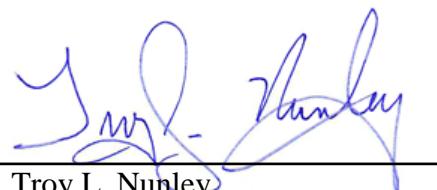
9
10 /s/ CHRISTOPHER S. HALES
11 CHRISTOPHER S. HALES
12 Assistant United States Attorney

13 Dated: December 19, 2022

14 /s/ DAVID FISCHER
15 DAVID FISCHER
16 Counsel for Defendant
17 MATTHEW M. PIERCEY

18 **FINDINGS AND ORDER**

19 IT IS SO FOUND AND ORDERED this 19th day of December, 2022.

20
21
22
23 
24 Troy L. Nunley
25 United States District Judge
26
27
28